

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAWN HAMPTON,	:	CIVIL ACTION NO. 1:12-CV-0434
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JOHN E. WETZEL, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 31st day of March, 2014, upon consideration of the motion (Doc. 42) for summary judgment filed by John Wetzel (“Wetzel”), Dorina Varner (“Varner”), Richard S. Ellers (“Ellers”), Margaret M. Gordon (“Gordon”), Marirosa Lamas (“Lamas”), William Williams (“Williams”), Gary Sowash (“Sowash”), Shawn Kephart (“Kephart”), and Reverend Uli Klemm (“Klemm”), and in accordance with the court’s memorandum of the same date, it is hereby ORDERED that:

1. The motion is GRANTED to the extent that all defendants are entitled to an entry of summary judgment on the ADA claim and the Eighth Amendment conditions of confinement claim. Entry of judgment is deferred pending further order of court.
2. The motion is DENIED to the extent that the First Amendment Free Exercise claim and Fourteenth Amendment Equal Protection claim will proceed to trial against defendants Wetzel, Lamas, Kephart and Klemm in their individual capacities. The motion is GRANTED as to defendants Varner, Williams, Sowash, Gordon, and Ellers. Entry of judgment in favor of Varner, Williams, Sowash, Gordon and Ellers is deferred pending further order of court.

3. With respect to the RLUIPA claim, the motion is GRANTED in part and DENIED in part. The motion is GRANTED as to any form of monetary relief. Inasmuch as plaintiff seeks injunctive and declaratory relief the claim will proceed to trial. Entry of judgment is deferred pending further order of court.
4. The motion is DENIED with respect to the Eighth Amendment deliberate indifference to serious medical needs claim. This claim will proceed to trial.
5. The motion is DENIED without prejudice as to defendants' qualified immunity defense.
6. A scheduling order will issue at the convenience of the court.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania